



House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

January 31, 2019

VIA EMAIL

Swathi Shanmugasundaram  
MuckRock News  
[66941-43807125@requests.muckrock.com](mailto:66941-43807125@requests.muckrock.com)

Dear Ms. Shanmugasundaram,

Thank you for writing to the Pennsylvania House of Representatives with your request for information pursuant to the Pennsylvania *Right-to-Know Law* (65 P.S. §§67.101 *et seq.*). On January 30, 2019, I received your *Right-to-Know Law* request for the following information (*italics added*):

*“[E]mails and other records of correspondence (including meeting notes, faxes, letters, and memos) sent to or from the following legislative member and their staff members:*

*Rep. Will Tallman*

*I am only requesting correspondence from the above with employees of or individuals affiliated with the David Horowitz Freedom Center. Please limit this request to documents generated between these dates: January 1, 2016 - now.*

*If your email search and retrieval system is better configured for keywords searches, you may also search for emails and other communications that mention the names below (i.e., responsive records would be emails from the above legislators that include the term ‘David Horowitz’ or ‘Stop K-12 indoctrination’).*

*David Horowitz  
David Horowitz Freedom Center  
Stop K-12 indoctrination  
Rep. Dave LaRock*

*LaRock  
Virginia."*

This correspondence serves to inform you that your request is hereby denied. According to section 303(a) of the *Right-to-Know Law*, the House of Representatives is obligated to provide *Right-to-Know Law* requesters with access to "legislative records." As defined by section 102, "legislative records" specifically include the following nineteen (19) items:

- (1) A financial record.*
- (2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
- (3) Fiscal notes.*
- (4) A cosponsorship memorandum.*
- (5) The journal of a chamber.*
- (6) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
- (7) The transcript of a public hearing when available.*
- (8) Executive nomination calendars.*
- (9) The rules of a chamber.*
- (10) A record of all recorded votes taken in a legislative session.*
- (11) Any administrative staff manuals or written policies.*
- (12) An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
- (13) Final or annual reports required by law to be submitted to the General Assembly.*
- (14) Legislative Budget and Finance Committee reports.*
- (15) Daily Legislative Session Calendars and marked calendars.*
- (16) A record communicating to an agency the official appointment of a legislative appointee.*
- (17) A record communicating to the appointing authority the resignation of a legislative appointee.*
- (18) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
- (19) The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency.*

"Correspondence" (including "*emails...meeting notes, faxes, letters and memos*") of House Members does not fall under the definition of "*legislative record*." Therefore, a denial of access is appropriate.<sup>1</sup> As a courtesy, please find enclosed for your convenience a copy of the most recent opinion issued by the designated *Right-to-Know Law* Appeals Officer for the House of Representatives upholding our denial of access to requested information which does not fall under the definition of "*legislative record*."

If you choose to file an appeal to this denial, you must do so in writing to Anthony C. Aliano Esq., Right-to-Know Appeals Officer, Pennsylvania House of Representatives, 400 Main Capitol Building, Harrisburg, PA 17120. Pursuant to Section 1101, an appeal must be filed within 15 business days of the mailing date of this response.

This correspondence serves to close your request with our office as permitted by law.

Respectfully,



David L. Reddecliff  
Chief Clerk/Open Records Officer  
Pennsylvania House of Representatives

Encl.  
DLR/biw

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<sup>1</sup> See, e.g., *RTKL Appeal No. 2009-0002 SCO* (Scolforo Appeal, Decided Feb. 24, 2009); *RTKL Appeal No. 2010-0010 JOY* at 5 (Joyce Appeal, Decided May 28, 2010); *RTKL Appeal No. 2013-0001 ACA* at 10 (Capazzi Appeal, Decided Feb. 25, 2013); *RTKL Appeal No. 2014-0002 ACA* at 8 (McManus Appeal, Decided Nov. 6, 2014); *RTKL Appeal No. 2017-0002 ACA* (Collins Appeal, Decided Oct. 24, 2017).

